

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)****Title of
Invention****METHODS AND NUCLEIC ACIDS FOR ANALYSES OF COLORECTAL CELL
PROLIFERATIVE DISORDERS**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/562,383, filed on June 23, 2004,
- ☒ as amended on December 23, 2005 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: Cathy Lofton-DaySignature: Citizen of: USInventor two: Fabian ModelSignature: 02/18/06Citizen of: DE☒ Additional inventors or a legal representative are being named on 1 additional form(s) attached hereto.

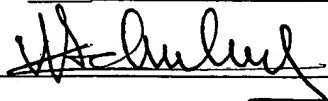
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Page 2 – Declaration for Utility or Design Application Using an Application Data Sheet

U.S. Patent Application No. 10/562,383

Inventor Three: Andrew Sledziewski

Signature:  Citizen of: US

Inventor Four: Tamas Rujan

Signature: _____ Citizen of: DE

Inventor Five: Joern Lewin

Signature: _____ Citizen of: DE

Inventor Six: Juergen Distler

Signature: _____ Citizen of: DE


Page 2 – Declaration for Utility or Design Application Using an Application Data Sheet

U.S. Patent Application No. 10/562,383


Inventor Three: Andrew Sledziewski

Signature: _____ Citizen of: US

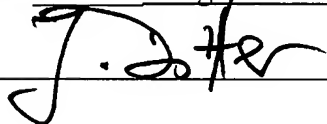
Inventor Four: Tamas Rujan

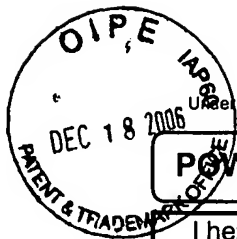
Signature:  _____ Citizen of: DE

Inventor Five: Joern Lewin

Signature:  _____ Citizen of: DE

Inventor Six: Juergen Distler

Signature:  _____ Citizen of: DE



POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with Customer Number:

22504

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number

22504

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone			Email

Assignee Name and Address:

Epigenomics AG
Kleine Praesidentenstrasse 1
10178 Berlin Germany

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	22. Sept. 2006
Name	Dr. Kurt Berlin	Telephone	
Title	Executive Vice President & CSO		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Epigenomics AG

Application No./Patent No.: 10/562,383

Filed/Issue Date: June 23, 2004

Entitled: METHODS AND NUCLEIC ACIDS FOR ANALYSES OF COLORECTAL CELL PROLIFERATIVE DISORDERS

Epigenomics AG

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]
Signature

Dr. Kurt Berlin

Printed or Typed Name

Executive Vice President &
CSO

Title

09/22/2006
Date

Telephone Number

 **epigenomics AG**

Kleine Präsidentenstr.1 • D-10178 Berlin
phone: +49 30 24345-0 • fax: -555

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

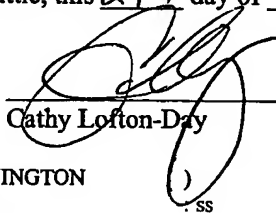
ASSIGNMENT

WHEREAS, we, Cathy Lofton-Day, residing at 23908-35th Ave. W., Brier, WA 98036 USA, Fabian Model, residing at 734 Broadway Ave. E., Apt. 306, Seattle, WA 98102 USA, Andrew Sledziewski, residing at 17736-15th Ave. NW, Shoreline, WA 98177 USA, Tamas Rujan, residing at Vinetastr. 7, Berlin, Germany, Jörn Lewin, residing at Lützowufer 24, Berlin, Germany, and Juergen Distler, residing at Hewaldstr. 2, Berlin, Germany, (ASSIGNORS) are the inventors named in an application for a Letters Patent of the United States entitled METHODS AND NUCLEIC ACIDS FOR ANALYSES OF COLORECTAL CELL PROLIFERATIVE DISORDERS, said application nationalized from PCT/US04/020336 filed June 23, 2004 and assigned Application No. 10/562,383, and claiming priority to U.S. Application 10/603,138 filed June 23, 2003; to U.S. Application No. 10/602,494 filed June 23, 2003; to U.S. Application No. 10/679,062 filed October 3, 2003; to EP04090072.2 filed February 27, 2004 and to EP04090175.3 filed May 6, 2004;

AND, WHEREAS, Epigenomics, AG, a German corporation, having administrative offices at Kastanienallee 24, D-10435 Berlin, Germany (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said ASSIGNEE, our entire right, title to and interest in said application and said inventions and all corresponding foreign applications and patents on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to us.

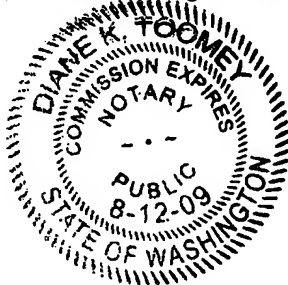
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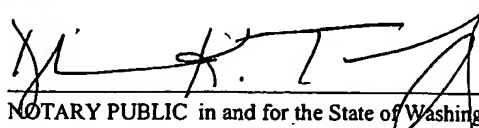

Cathy Lofton-Day

STATE OF WASHINGTON

COUNTY OF KING

On this 21 day of September, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Cathy Lofton-Day, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and she acknowledged the same to be her free act and deed.




NOTARY PUBLIC in and for the State of Washington, residing at _____
My commission expires 8-12-09

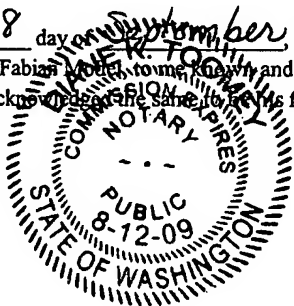
Executed in Seattle, this 18 day of September, 2006.

F. Model

Fabian Model

STATE OF WASHINGTON)
: ss
COUNTY OF KING)

On this 18 day of September, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Fabian Model, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



K. T. Toomey
NOTARY PUBLIC in and for the State of Washington, residing at
Redmond WA
My commission expires 8-12-09

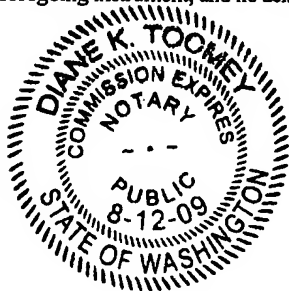
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Andrew Sledziewski

Andrew Sledziewski

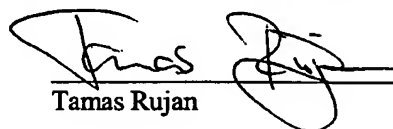
STATE OF WASHINGTON)
: ss
COUNTY OF KING)

On this 19th day of September, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Andrew Sledziewski, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

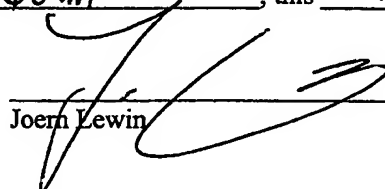


K. T. Toomey
NOTARY PUBLIC in and for the State of Washington, residing at
Redmond WA
My commission expires 8-12-09

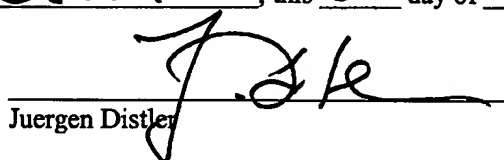
Executed in Berlin, this 4 day of October, 2006.


Tamas Rujan

Executed in Berlin, this 4 day of October, 2006.


Joern Lewin

Executed in Berlin, this 22 day of September, 2006.


Juergen Distler